

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 4:21-CR-00285
v.	§	
	§	Judge Mazzant
TOMAS DEHOYOS	§	

ELEMENTS OF THE OFFENSE

The defendant is charged in Count Four of the Fourth Superseding Indictment with a violation of 21 U.S.C. § 846, Conspiracy to Possess with the Intent to Distribute Fentanyl. The essential elements which must be proven to establish the offense are as follows:

- First: That the defendant and one or more persons, in some way or manner made an agreement to commit the crime charged in the Fourth Superseding Indictment, that is, to possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of Fentanyl;
- Second: That the defendant knew of the unlawful purpose of the agreement;
- Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
- Fourth: That the overall scope of the conspiracy involved 400 grams or more of a mixture or substance containing a detectable amount of Fentanyl; and
- Fifth: That the defendant knew or reasonably should have known that the scope of the conspiracy involved 400 grams or more of a mixture of substance containing a detectable amount of Fentanyl.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via electronic filing
to defense counsel on May 3, 2024.

/s/ Matthew T. Johnson
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